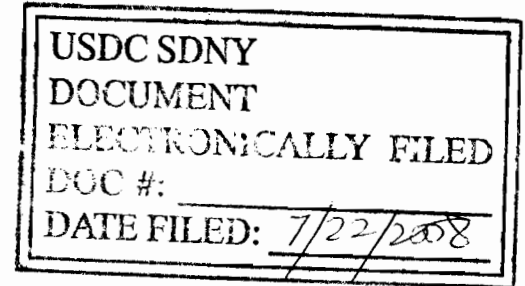


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
NATASHA NANDALALL,



Plaintiff,

-against-

07 Civ. 6257 (DAB)  
ORDER

THE CITY OF NEW YORK and POLICE OFFICER  
JUAN GONZALEZ, Shield Number 274458,

Defendants.

-----X  
DEBORAH A. BATTIS, United States District Judge.

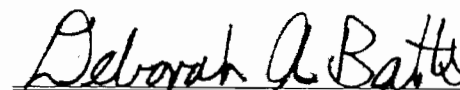
By an Order dated May 1, 2008, the Court dismissed Defendant Juan Gonzalez from this action based on Plaintiff's failure to prosecute. On May 8, 2008, Plaintiff filed a motion seeking to have the May 1, 2008 Order vacated. Plaintiff's counsel explains in his moving papers that his office failed to notice that the Court had issued an Order to Show Cause for Failure to Prosecute on March 6, 2008. Defendants have not opposed Plaintiff's motion to vacate the May 1, 2008 Order. The Court accepts Plaintiff's counsel's explanation for the failure to respond to the Court's Order dated March 6, 2008.

Upon due consideration of Plaintiff's motion, the Court hereby VACATES its Order dated May 1, 2008 dismissing Defendant Juan Gonzalez from this action without prejudice (Docket Entry No. 5).

Plaintiff shall serve Defendant Juan Gonzalez within twenty (20) days of the date of this Order or else the Court shall dismiss him from this action with prejudice.

SO ORDERED.

Dated: New York, New York  
July 22, 2008

A handwritten signature in cursive script, reading "Deborah A. Batts", is written over a horizontal line.

Deborah A. Batts  
United States District Judge